

Page 1 of 1

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January 23, 2007

John Lacyk  
Examiner,  
United States Patent & Trademark Office  
PO Box 1450  
Alexandria, Virginia 22313  
Fax: 1-571-273-8300

Dear Mr. Lacyk,

I will call you Friday [Jan. 26th - P.M.] reference these inquiries:

A. In the USPTO "Pairs" update information reference our patent application #10/627/286 [Electromagnetic Brain Animation] I notice no "history" indication that all claim correction requests had been adhered to and sent to your office for final approval as of April 26, 2006 [the fact that they were lost and then found again 6 months later not withstanding].

B. Noticed also that despite phone transmission and fax conformation January 8, 2007 reference we have brought a new legal firm aboard at the **Behavior Research Institute** to expeditiously help us get through the final stretch of this **EBA** patent process, there is no indication of such at the "Pairs" section dealing with Address & Attorney/Agent information.

C. Even taking the 'miscues' on both sides into consideration, after having spoken with a good number of other inventors, we cannot come to any understandable conclusion as to why the already lengthy timeline for patent approval these days [30 months] has been far exceeded to this point on easily the most important and expensive project, **BRI**, our small biotech corporation, has ever been involved with during its entire 14 year history [In July it will be 4 years].

D. Lastly, again - I must remember to ask you if anyone other than myself [from any private or government organization] has ever, to this date, been in contact with you or any other staff at USPTO reference our **EBA** generator.

Believe me John we are well aware of the current understaffed and overworked situation at USPTO - and we gladly take that into full consideration. We just simply ask for clarification so that we can adequately explain to our investors and longtime committed clients.

Again, thank you for your continued help all along the way - and I will speak with you this Friday afternoon.

Bill 

William Rogers, Ph.D.  
Director, **Behavior Research Institute**  
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CC: Wendy Knight  
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Tuesday, January 23, 2007 America Online: BehaviorResearch

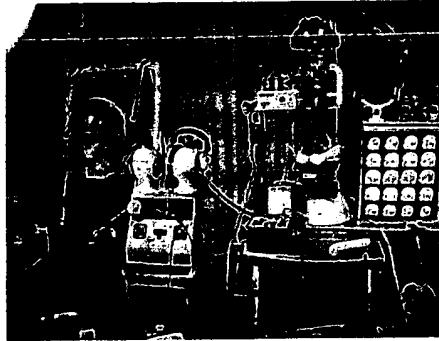
# Behavior Research Institute

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Phone: 210-408-7639 - Fax: 210-408-1804

"Electromagnetic Brain Animation"



Cover Sheet

United States Patent and Trademark Office

Reference Patent Application > # 10/627/286

"Corrected Claims"

April 20, 2006

ATTENTION:

EXAMINER >: JOHN LACYK

8 pages not counting this cover

Member - Consultant

American Association for the Advancement of Science

National Aeronautics and Space Administration

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## Behavior Research Institute

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JOHN:

April 19, 2006

Just a brief update to indicate we have completed all 'claims' corrections called for in your "Office Action Summary" [copy enclosed].

Myself and our attorney are now quite familiar with **USPTO** 'rules and regulations' [37 CFR. 1.75 and MPEP 608.01 as well as several other relevant mandates. I have also spoken with you on at least 4 occasions over the past two weeks as well as communicating with others at **USPTO** at least 6 separate times. We received very helpful information during each communication. The results should be apparent in these "claims corrections" now being sent back to you.

As related to you during our many phone conversations, "**Electromagnetic Brain Animation AKA 'The Thinking Cap'**" [registered trademark] has been at **USPTO** for coming up on 4 years and published for 2 years. We've built prototypes, we've overseen numerous clinical studies on both rats and humans; we've gone back to the beginning and done it all over again. We have unqualified scientific validation that **EBA** generation is a successful working medical instrumentation which, when allowed to go public, will be noted as a seminal step forward in the treatment of mental dysfunction. During these years a considerable monetary outlay has taken place in the area of "every dime we have".

The primary reason we bring this up is that, due to **EBA** now becoming well known within its field; there are several enormously well funded conglomerates who are, at this very moment, waiting for final allowance in order to determine which direction of gaining full licensing ownership they will decide to take.

We here at **BRI** have done our part. We are finished and satisfied; we have no desire to market the product ourselves; therefor; at the earliest possible time and proper bidding offer, we will step back and let others gain the monetary value of easily, during the next five years, bringing in, very conservatively speaking, a profit of more than 30 times the original cost; while at the same time the majority of all cost analysis, ratio to potential client usage comes in near the area of \$100 million gross revenue.

We, and many others across this country, Canada, Australia, the Netherlands and the British Empire are quite eager to have this final patent allowance expedited as quickly as is possible. It's been a long and complex wait. Thank you for your time and help.

  
William Rogers, Msc., Ph.D.  
Director, Behavioral Medicine  
Behavior Research Institute  
[BehaviorResearch@aol.com](mailto:BehaviorResearch@aol.com)  
[www.BehaviorResearch.org](http://www.BehaviorResearch.org)

CC: William Satterwhite, JD  
Satterwhite and Associates  
Houston, Texas

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<b>Office Action Summary</b>	Application No. 10/627,286	Applicant(s) ROGERS, WILLIAM THOMAS	
	Examiner John P. Lacyk	Art Unit 3735	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Examiner's Patent Drawing Review (PTO-948)
- 4) ☐ Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_